

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

**WEST VIRGINIA BOARD OF MEDICINE,
PETITIONER,**

V.

**IRAJ DERA KHSHAN, M.D.,
RESPONDENT.**

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Iraj Derakhshan, M.D. ("Dr. Derakhshan") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14, et seq.

FINDINGS OF FACT

1. Dr. Derakhshan currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 18591, issued originally in 1996. Dr. Derakhshan's address of record with the Board is currently in Charleston, West Virginia.
2. The Board received a complaint from an individual, on or about October 15, 2002, alleging that Dr. Derakhshan had advised him to take a medication in an improper manner that presented a danger to him.
3. Dr. Derakhshan responded to said complaint on or about November 27, 2002, at which time he denied advising said patient to take the medication in an improper manner, instead Dr. Derakhshan asserts that he gave the complainant proper instructions on how to take the medication and that as long as the complainant followed these instructions, there was no danger presented to the complainant.

4. The Board reviewed a second complaint on or about March 11, 2003, from another individual, also alleging that Dr. Derakhshan had advised him to take the same medication in an improper manner that presented a danger to the complainant.

5. Dr. Derakhshan responded to said complaint by counsel, on or about April 10, 2003, at which time he denied having given the complainant improper advice on how to take the medication, but asserted that as long as the complainant took the medication as directed, he did not face a risk of danger.

6. Dr. Derakhshan appeared before the Complaint Committee for a full discussion of these and related matters.

7. The Complaint Committee conducted an investigation, including a review of patient's medical records, pharmacy records, and obtained an independent medical consultant's review.

8. Based upon said complaints, the investigation, and especially the independent medical review, a "Complaint and Notice of Hearing" was filed against Dr. Derakhshan on September 3, 2004.

9. The Hearing of this matter scheduled for March 16, 17, and 18, 2005, was continued by an Order entered on March 9, 2005, by the Hearing Examiner, Thomas Hayes, upon the request of Dr. Derakhshan's counsel for mediation pursuant to West Virginia Code §30-3-14(r).

10. The mediation began on April 13, 2005 and remained open, to allow the parties to attempt a final resolution of this matter.

11. However, the parties were able to reach a subsequent agreement and now desire to enter into this Consent Order to settle and terminate this matter.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to West Virginia Code §30-3-1 *et seq.* to protect the public interest.
2. Probable cause existed for the filing of charges against Dr. Derakhshan pursuant to the provisions of West Virginia Code §30-3-14(c)(17), West Virginia Code §30-3-14(c)(11), and 11 CSR 1A 12.1(u), relating to the failure to keep written records justifying the course of treatment, and 11 CSR 1A 12.1(j).
3. The Board has determined that it is appropriate to waive further proceedings against Dr. Derakhshan provided that certain terms and conditions are met.

CONSENT

Iraj Derakhshan, M.D., by affixing his signature hereon, agrees, solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following.

1. Dr. Derakhshan acknowledges that he is fully aware that, without his consent, herein given, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, *et seq.*
2. Dr. Derakhshan acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.
3. Dr. Derakhshan waives all rights to such a hearing.

4. Dr. Derakhshan consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Derakhshan understands that this Order is considered public information, and that matters contained herein shall be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Derakhshan, the West Virginia Board of Medicine hereby **ORDERS** as follows.

1. Dr. Derakhshan shall successfully complete a course in “Controlled Substance Management”, approved in advance by the Board, at his own expense, within ten (10) months of the date of entry of this Order.

2. Dr. Derakhshan shall successfully complete a course in record keeping, approved in advance by the Board, at his own expense, within ten (10) months of the date of entry of this Order.

3. Dr. Derakhshan shall provide to the Board a copy of appropriate documentation confirming his successful completion of the said courses within ten (10) months of the date of entry of this Order.

4. The said courses mentioned herein above are separate from and in addition to the fifty (50) hours of Continuing Medical Education (“CME”) required for licensure renewal.

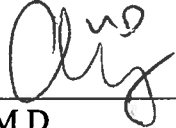
5. Dr. Derakhshan agrees to cease advising patients to cut time-released medications in half with a pill cutter, as long as he maintains a license to practice medicine in the State of West Virginia.

6. Dr. Derakhshan shall continue to reduce the number of patients he examines or otherwise treats in a given day, and shall not examine more than twenty-five (25) patients in a twenty-four (24) hour period, excluding those patients Dr. Derakhshan visits or otherwise treats in any hospital as long as he maintains a license to practice medicine in the State of West Virginia.


7. Upon the successful completion of the above mentioned terms and conditions, the Hearing Examiner shall enter an order dissolving and terminating this case and thereby striking it from the Board of Medicine's docket.

ENTERED this 11th day of ^{July}~~June~~, 2005.


WEST VIRGINIA BOARD OF MEDICINE



Angelo N. Georges, M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



Iraj Derakhshan, M.D.
DATE: 6/23/05

STATE OF West Virginia

COUNTY OF Kanawha

I, Patsy V. Carte, a Notary Public for said county and state do hereby certify that Iraj Derakhshan, M.D., whose name is signed on the previous page has this day acknowledged the same before me.

Given under my hand this 23rd day of June, 2005.

My commission expires November 18, 2008.

Patsy V. Carte
Notary Public

